

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

C'ERRA DAWN CLARK,

Defendant.

CR 13-36-GF-BMM-01

**ORDER ADOPTING MAGISTRATE
JUDGE'S FINDINGS AND
RECOMMENDATIONS TO REVOKE
DEFENDANT'S SUPERVISED RELEASE**

United States Magistrate Judge John Johnston entered Findings and Recommendations in this matter on September 4, 2015. (Doc. 56). Neither party filed objections. When a party makes no objections, the Court need not review *de novo* the proposed Findings and Recommendations. *Thomas v. Arn*, 474 U.S. 140, 149-152 (1986). The Court will review Judge Johnston's Findings and Recommendations, however, for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981).

Judge Johnston conducted a final revocation hearing on May 11, 2016. (Doc. 73.) Clark admitted to having violated the conditions of her supervised release by failing to report to her probation officer as directed, failing to follow the instructions of her probation officer, failing to participate in mental health

treatment, failing to complete a program of substance abuse treatment, and failing to participate in substance abuse testing. (*Id.*) Judge Johnston found the evidence sufficient to establish that Clark violated the conditions of her supervised release. (*Id.*)

Judge Johnston recommends that the Court revoke Clark's supervised release and that the Court sentence Clark to three (3) months imprisonment followed by 25 months of supervised release. (Doc. 74.) Judge Johnston further recommends that the conditions of supervised release previously imposed should remain in effect, with a condition added to require Clark to reside at a residential reentry center for 180 days. (*Id.*)

Clark's criminal history category is I, the current violation is a Grade C, and the underlying offense is a Class C felony. The statutory range is a maximum of 24 months. The statutory and guideline term of supervised release is 28 months, less any custody time imposed. The United States Sentencing Guidelines call for three to nine months in custody.

The Court finds no clear error in Judge Johnston's Findings and Recommendations. Clark's current violation is serious in nature. A sentence of three (3) months imprisonment with a term of 25 months supervised release to follow is sufficient, but not greater than necessary.

IT IS HEREBY ORDERED that Judge Johnston's Findings and Recommendations (Doc. 74) is ADOPTED IN FULL. **IT IS FURTHER ORDERED** that Defendant C'erra Dawn Clark shall be sentenced to **three (3) months imprisonment** followed by **25 months of supervised release**.

IT IS FURTHER ORDERED that the following condition shall be added:

The defendant shall reside in a Residential Reentry Center (RRC) under contract to the United States Bureau of Prisons, in the pre-release component, for a period of 6 months. The defendant shall abide by all rules and regulations of the center and complete successfully any programming as deemed appropriate by the United States Probation Office.

DATED this 1st day of June, 2016.



Brian Morris
United States District Court Judge